

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

CRAIG CUNNINGHAM, §
§
Plaintiff, § CIVIL ACTION NO. 4:20-CV-00141-RWS-KPJ
§
v. §
ASSURED AUTO GROUP, INC., *et al.*, §
§
Defendants. §

ORDER

Before the Court is the United States Magistrate Judge's Report and Recommendation (Docket No. 47), recommending that Defendants Sunpath, Ltd. and Northcoast Warranty Services, Inc.'s Motion to Dismiss Plaintiff's Complaint (Docket No. 15) be granted and Defendants Gustav Renny and William Finneran's Motion to Dismiss Plaintiff's Complaint (Docket No. 28) be granted. No party has filed objections to the report. Because no objections to the Magistrate Judge's Report have been filed, no party is entitled to *de novo* review by the District Judge of those findings, conclusions and recommendations, and except upon grounds of plain error, they are barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C. § 636(b)(1)(C); *Douglass v. United Services Automobile Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

Nonetheless, the Court has reviewed the motion and the Magistrate Judge's Report and agrees with the Report. See *United States v. Raddatz*, 447 U.S. 667, 683 (1980) ("[T]he statute permits the district court to give to the magistrate's proposed findings of fact and recommendations 'such weight as [their] merit commands and the sound discretion of the judge warrants.'") (quoting

Mathews v. Weber, 23 U.S. 261, 275 (1976)). The Court therefore **ADOPTS** the Magistrate Judge's Reports as the findings and conclusions of the Court. Accordingly, it is

ORDERED that Defendants Sunpath, Ltd. and Northcoast Warranty Services, Inc.'s Motion to Dismiss Plaintiff's Complaint (Docket No. 15) is **GRANTED**. It is further **ORDERED** that Defendants Gustav Renny and William Finneran's Motion to Dismiss Plaintiff's Complaint (Docket No. 28) is **GRANTED**. Plaintiff's claims against Sunpath, Ltd., Northcoast Warranty Services, Inc., Gustav Renny and William Finneran in the above-titled action are therefore **DISMISSED WITHOUT PREJUDICE**.

So ORDERED and SIGNED this 24th day of March, 2021.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE